

FINAL BILL REPORT

SHB 1300

C 320 L 09
Synopsis as Enacted

Brief Description: Accessing mental health information.

Sponsors: House Committee on Human Services (originally sponsored by Representatives Hurst, Dickerson, Pearson, Klippert, O'Brien and Smith).

House Committee on Human Services
House Committee on Health & Human Services Appropriations
Senate Committee on Human Services & Corrections
Senate Committee on Ways & Means

Background:

On New Year's Eve 2007, a young woman in Seattle was stabbed and killed. The person charged with the offense had significant mental illness diagnoses and was under the supervision of a Department of Corrections officer. As a result, in early 2008 and throughout the year, a work group of mental health professionals, law enforcement, prosecuting and defense attorneys, and others convened to address areas in the involuntary treatment system that could be modified or further developed to improve community safety.

A report released by the work group, stated that communication across systems was a general problem faced daily by the professionals who dealt with mentally ill persons. Many professionals are prohibited from communicating with others because of confidentiality laws. In some cases, even where no legal prohibitions existed, there was a perception of a prohibition of sharing information, and the information was not shared. Further, statutes regarding confidentiality are not all located in one place, and a determination of the kinds of data and communications allowed to be shared were sometimes laborious and complicated.

The Involuntary Treatment Act (ITA) sets forth the procedures, rights, and requirements for an involuntary civil commitment. Persons may be initially detained for up to 72 hours for evaluation and treatment, and upon a petition to the court and subsequent order, the person may be held for a further 14 days. Upon a further petition and order by a court, a person may be held for a period of 90 days. If a person has been determined to be incompetent and criminal charges have been dismissed, and the person has committed acts constituting a felony as a result of a mental disorder and presents a substantial likelihood of repeating

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similar acts, the person may be further committed for a period of up to 180 days. No order of commitment under the ITA may exceed 180 days.

The ITA contains provisions for a release of mental health services information to various entities, including the Department of Corrections, attorneys, law enforcement, and others. The provisions regarding who is entitled to receive confidential information and what persons are allowed to do with that information are contained in several different places throughout the ITA. In some cases, the scope of the information that may be released to one entity, such as law enforcement, is limited.

Summary:

Access to mental health treatment history information to: (1) law enforcement, (2) public health officials, (3) the Indeterminate Sentencing Review Board, and (4) jail personnel. The act also specifies what information may be released and the purposes for which it may be released. These provisions regarding the release of confidential information are consolidated in the Involuntary Treatment Act.

Votes on Final Passage:

House	97	0	
Senate	45	1	(Senate amended)
House	98	0	(House concurred)

Effective: July 26, 2009